

REMARKS

In the Office Action mailed from the United States Patent and Trademark Office on July 27, 2006, the Examiner objected to the specification and rejected claims 1-10, 12-17, 20-21, 24-29, and 33-39 under 35 U.S.C. § 112, first paragraph. The Examiner rejected claims 1-8, 12-17, 20-21, 24-29 and 33, and 35-39 under 35 U.S.C. § 102 as being anticipated by U.S. Patent No. 6,498,656 to Mastie et al. (hereinafter "Mastie"). The Examiner also rejected claims 9-10 and 34 under 35 U.S.C. § 103(a) as being unpatentable over Mastie in view of U.S. Patent Application Publication No. 2003/0160993 to Kang (hereinafter "Kang"). Applicant respectfully provides the following:

No amendments have been made in this Response.

Objection/Rejections under 35 U.S.C. § 112, First Paragraph:

The Examiner objected to the specification and rejected all remaining claims under 35 U.S.C. § 112, first paragraph. Applicant respectfully submits that the specification as filed contained an adequate written description that enabled one of skill in the art to practice the invention as to the language objected to/rejected by the Examiner.

M.P.E.P. 2163 summarizes the applicable standard from court decisions concerning the written description requirement. It indicates that there is no *in haec verba* requirement (i.e. there is no requirement that the claim limitation be word-for-word what is contained in the specification), and that it is sufficient for claim limitations to be supported through "express, implicit, or inherent disclosure." Thus, as set forth in M.P.E.P. 2163, the requirement is satisfied if the patent specification describes the claimed invention "in sufficient detail that one skilled in

the art can reasonably conclude that the inventor had possession of the claimed invention.”

Applicant respectfully submits that the rejected claim language satisfies this requirement.

Specifically, the rejected claim language from claim 1 of “a prioritization of the print job without the use of a print server” (and similar language from claims 12 and 28) is supported and described by the specification as filed in such a way as to enable one of skill in the art to practice the invention. The specification clearly and repeatedly states that the described inventive embodiments function without use of a print processor, and that doing so reduces network traffic, as print jobs are not sent over the network repeatedly. (See Abstract, page 2 lines 18-19, page 3 lines 16-17, page 5 lines 4-5, page 9 lines 4-5, and page 26 lines 20-21.)

Furthermore, the specification clearly sets forth prioritization of the print job without involving a print server on page 18 of the specification as filed. There, the specification describes responses to broadcasts which can involve one of several responses including 1) no objection to immediate despooling (such as when there is no other queued print job, or “when the client responding to the broadcast has a print job of a lower priority that is queued for the identified printing device(s);” 2) a denial of immediate despooling (such as when a print job is currently being despoiled from another device or when the client “is managing a print job at a higher priority,” and 3) a conflict must be resolved (such as when a print job is being managed that “has the same priority as the broadcasting client’s print job” or when the responding client has administrative authority and “changes the priority of the broadcasting client’s print job.” (Page 18 lines 3-21, emphasis added). Thus, this section clearly discloses the prioritization of a print job, and as clearly disclosed in this section, the prioritization is accomplished without the use of a print server, based on broadcast communications and responses strictly between clients.

One of skill in the art would readily recognize from this section that Applicants had possession of the invention as claimed from this disclosure, and would further be able to practice the invention as claimed by implementing the disclosed communication exchanges. Although a word-for-word recitation of the limitation contained in claim 1 is not found in the specification, this is not required by section 112. As Applicant has shown that the specification as filed includes an enabling written description of the rejected language, Applicant respectfully requests removal of the rejections and withdrawal of the objection.

As to the rejected language of claim 29 of “if no response to the broadcast is received, using the first client computer device to manage the print job,” this language is also supported and described by the specification as filed in such a way as to enable one of skill in the art to practice the invention. Specifically, the specification as filed at page 17 lines 16-18 states that a receiving client that does not participate in management of despooling to an identified printing device does not return a response. This teaching is further supported by page 20 lines 18-20. The specification then teaches, at page 20 line 24-page 21 line 2 that a client may receive no response showing a conflict or objection (as would be the case of receiving absolutely no response at all), and would, at that point, proceed to despool the print data. This quite clearly shows that if no response to the broadcast is received, the client computer sending the broadcast (the “first client computer” of claim 29) proceeds to manage the print job and despool it. Thus, one of skill in the art would readily appreciate that Applicant had possession of the invention claimed in claim 29 as of the filing of the application, and would readily understand how to practice the invention as claimed. As this is all that Section 112, first paragraph requires, Applicant respectfully requests removal of the rejection and withdrawal of the objection.

Rejections under 35 U.S.C. § 102(e):

The standard for a Section 102 rejection is set forth in M.P.E.P 706.02, which provides:

[F]or anticipation under 35 U.S.C. 102, the reference must teach every aspect of the claimed invention either explicitly or impliedly. Any feature not directly taught must be inherently present.

Applicant respectfully submits that the cited reference does not teach every aspect of the amended claim set as provided herein and therefore does not anticipate the claims of the present invention.

In particular, independent claim 1 recites: “A networked system that provides for distributive management of a print job without the use of a print server, the system comprising: a network; a plurality of client computer devices connected to the network, wherein the plurality of client computer devices are configured to participate in the distributive management of the print job and a prioritization of the print job without use of a print server, including bi-directional communication across the network, and wherein each client computer device includes a local print queue and a local print queue manager, wherein the local print queue manager is one of (i) a spooler, (ii) a print processor, and (iii) a print assist in a local print subsystem of the corresponding client computer device; a printing device for processing the print job initiated at one of the plurality of client computer devices, wherein the printing device is connected to the network and corresponds to the print queues of the client computer devices; and a broadcast message of information about the print job sent from a print queue manager of a first client computer device to a second client computer device across the network as part of the distributive management of the print job to determine which of the client computer devices shall be used to manage the print job, wherein the first and second client computer devices are of the plurality of computer devices.”

Applicant respectfully submits that contrary to the assertion of the Examiner, Mastie does not teach each of the limitations contained in claim 1 above. In particular, while claim 1 specifically claims that the management of the print job occurs without a print server, Mastie is explicitly clear that a print server is used. Figure 1 of Mastie clearly shows that a separate printer manager 6 is placed on the network between the client computers 4a-4c and the printer controllers 8a-8c. Mastie also explicitly declares and teaches that the printer manager 6 is located on an external server machine and is not located on the client computers. Specifically, Mastie teaches, "A network system 14 links the clients 4a, b, c to the printer manager 6 and . . . the printer manager 6 to the printer controllers 8a, b, c." (Col 4 lines 22-24.) Mastie also teaches that the printer manager 6 may be a "separate stand alone server." (Col 4 lines 36-37.) This teaching is supported by this later passage from Mastie:

The printer manager 6 and printer controllers 8a, b, c are described as implemented in separate server machines networked together. In alternative embodiments, functions performed by the printer manager 6 may be implemented within one or more printer controllers 8a, b, c. . . . In yet further embodiments, the printer manager 6 and printer controllers 8a, b, c may be implemented as software programs within a single server."

(Col 9 lines 6-15, emphasis added.)

What is clear from these passages is that Mastie teaches a print server controlling printing and print jobs. Since claim 1 explicitly requires managing and prioritizing print jobs without use of a print server, Mastie cannot anticipate claim 1. Furthermore, claim 1 also requires a local print queue manager "in a local print subsystem of the corresponding client computer device." As set forth above, Mastie clearly shows that the print queue managing takes place in the printer manager 6 that is not a part of the client computer devices. (Col 5 lines 36-38: "The printer manager 6 maintains the queue across all printers 12a, b, c, d and printer controllers 8a, b, c

regardless of where the RIPPed print job resides”) Therefore, Mastie fails to teach this element of claim 1.

Claim 1 also requires a broadcast message of information sent from a print queue manager of a first client computer device to a second client computer device across the network. Applicant respectfully submits that contrary to the assertion made by the Examiner, this limitation is not taught by Mastie. In the Office Action, the Examiner relied on several passages from Mastie relating to Figure 3. Applicant respectfully submits that Figure 3 and the related discussion clearly teaches routing performed by the printer manager (server-based) and not broadcast communications between clients, as is required by the claim. Specifically, in describing the elements of Figure 3, Mastie declares:

FIG. 3 illustrates logic implemented in the printer manager 6 or the printer controllers 8a, b, c to select a queue for a physical printer 12, a, b, c, d, e.g., a logical printer, from multiple available logical printers/queues. Control begins at block 30 which represents the printer manager 6 selecting a print job, e.g., a RIPPed print job, to route to a logical printer. . . . Control transfers to block 31 which represents the printer manager 6 querying the printers 12a, b, c, d in the system 2 to determine the status of the printers . . . Control transfers to block 32 which represents the printer manager 6 determining whether there are available logical printers that are capable of handling the print job.

(Col 7 lines 48-63, emphasis added.) These actions are actions taken by the printer manager 6 without any communications to the client computers. Hence, Mastie fails to disclose a broadcast message from one client computer to another as part of the management of the print job.

The other portions of Mastie cited by the Examiner also fail to teach client broadcasts. Column 2 lines 41-52 merely summarizes the discussion of Figure 3 without disclosing any client broadcast. Column 3 line 64-column 4 line 35 merely describes the overall system of use of Mastie, and fails to disclose any client broadcasts similar to those claimed by Applicant. Finally, column 5 lines 35-61 describes tasks performed by the server-based printer manager 6. Therefore, nothing in Mastie teaches the claimed broadcast message sent between client

computer devices. Thus, for at least the above reasons, Applicant respectfully submits that Mastie fails to teach every element of claim 1, and that therefore Mastie fails to anticipate the claim.

Independent claim 12 contains similar limitations regarding managing a print job without use of a print server, broadcasting information to client computer devices, and managing the print job with a client computer device. Independent claim 28 also includes similar limitations regarding managing a print job without use of a print server, and broadcasting information regarding which client computer will manage the print job. As these limitations are not taught by Mastie, Applicant respectfully submits that claims 12 and 28 are not anticipated by Mastie. Claims 2-8, 13-17, 20-21, 24-27, 29, and 33-39 depend from one of claim 1, 12, and 28 and are at least allowable for the same reasons. Applicant therefore respectfully requests removal of the rejections under 35 U.S.C. § 102(e) for all rejected claims.

Rejections under 35 U.S.C. §103(a):

The Examiner rejected claims 9-10 and 34 under 35 U.S.C. § 103(a) as being unpatentable over Mastie in view of Kang. Applicant respectfully submits that the claim set as provided herein is not made obvious by the cited references.

The standard for a Section 103 rejection is set forth in M.P.E.P 706.02(j), which provides:

To establish a *prima facie* case of obviousness, three basic criteria must be met. First there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the references or combine reference teachings. Second, there must be a reasonable expectation of success. Finally, **the prior art reference (or references when combined) must teach or suggest all the claim limitations.** The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, and not based on

applicant's disclosure. *In re Vaeck*, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991).

(Emphasis added). Applicant respectfully submits that the references cited by the Examiner, either alone or in combination, do not teach or suggest all the limitations claimed in the claim set provided herein.

Specifically, claims 9-10 depend from independent claim 1. As discussed above, Mastie does not teach, and it does not suggest, the claim limitations included in claims 9-10 by dependency on claim 1. Claim 34 depends from claim 12, and also includes the allowable limitations contained therein by dependency. Applicant respectfully submits that these limitations are not taught by Kang, or by the combination of Mastie and Kang, and that therefore these claims are not made obvious by the cited combination. In the Office Action, the Examiner relied on Kang as teaching a request for a print queue change, a request for administrative authority, and registering a client device for distributed management. None of these relied-upon teachings includes teaching management without a print server or managing a print job using broadcast information between client computer devices.

Specifically, Kang teaches a method for a workstation to print on a network printer not necessarily installed on the workstation. (Para [0010].) This is accomplished, according to Kang, by "querying a server" for printer information contained in print queues on the server. (Para [0013], emphasis added.) The use of servers is described further in Kang in nearly every paragraph. With such disclosure, it is clear that Kang does not teach management of print jobs without using a server, as is required by the rejected claims. Furthermore, Kang discloses information passing from the workstations to the servers, but does not disclose the claimed client-to-client broadcast as part of client-based serverless distributive management of print jobs.

Applicant respectfully submits, therefore, that the combination of Kang and Mastie fails to teach or suggest all claim limitations of the rejected claims 9-10 and 34, as is required for a *prima facie* case of obviousness. As the cited references fail to make obvious the claims, Applicant respectfully requests removal of the rejections under 35 U.S.C. § 103(a).


Thus, Applicant respectfully submits that for at least the reasons provided herein, the claim set as provided herein overcomes all rejections made by the Examiner in the Office Action.

CONCLUSION

Applicant submits that the claims are in condition for allowance. Accordingly, Applicant requests favorable reconsideration. If the Examiner has any questions or concerns regarding this communication, the Examiner is invited to call the undersigned.

DATED this 13 day of October, 2006.

Respectfully submitted,



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